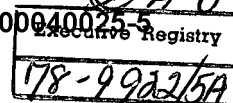


Washington, D. C. 20505



OLC: 78-2110/C

16 November 1978

Honorable Elmer B. Staats  
Comptroller General of the  
United States  
General Accounting Office  
Washington, D.C. 20548

Dear Elmer:

I have spoken with Harold Brown about the recent discussions you and I have had on compartmented clearances. Harold and I agreed that your people should have access to compartmented information when this is needed in the course of GAO inquiries requested by Congress.

In view of the sensitivity of the kinds of material likely to be involved, it would be best if compartmented access approvals were granted on a limited duration case-by-case basis.

We would, of course, appreciate your keeping the number of different individuals involved to the absolute minimum.

My Office of Legislative Counsel will be contacting your staff to work out specific arrangements.

*Sorry for the delay* - Yours,

*Stan*  
STANSFIELD TURNER

Dist.:

Orig-Addressee

1-DCI

1-DDCI

1-ER

1-OLC Subject ✓

1-OLC Chrono

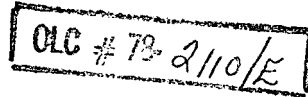
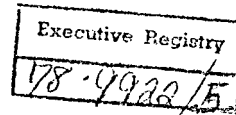
OLC:GMC:mlg (30 Oct 1978)

ROUTING AND RECORD SHEET

SUBJECT: (Optional)				
FROM:  Legislative Counsel		EXTENSION <div></div>	NO. <i>ER 25 9922/5A</i> DATE <i>15 Nov 78</i>	
TO: (Officer designation, room number, and building)	DATE		OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
	RECEIVED	FORWARDED		
1. <u>DDCI</u>				<div><i>SIGNATURE</i></div> <p>Attached for your signature is a letter to Elmer Staats conveying the substance of your recent conversation with the Secretary of Defense on the subject of compartmented clearances for the GAO.</p> <div></div> <p>Frederick P. Hitz</p> <p>(In accordance with your instructions, the letter has been cleared with Admiral Murphy, Deputy Under Secretary for Policy/DOD. While this was being done, you received another note from Elmer Staats. The attached letter to Staats takes care of his latest note.)</p> <div></div>
2.				
3. DCI	<i>Rec'd</i>	<i>15 NOV 1978</i>	<i>17/amy</i>	
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5. OLC(for handcarry)				
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COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548



November 4, 1978

The Honorable Stansfield Turner  
The Director  
Central Intelligence Agency  
Washington, D.C. 20505

Dear Stan:

It has been quite some time now since we discussed the matter of access to certain intelligence materials which we need to perform our work at the Department of Defense. We are now involved in preparing several reports for the Appropriations and Armed Services Committees where this information would be important.

I believe that you were going to get in touch with Harold Brown. I will be glad to join you or talk separately with Harold about the matter. The responsibility for supplying us with needed information to perform our work, of course, rests with him.

I thought the general approach which we discussed at lunch would be workable and I hope that we can pursue that.

Best wishes.

Sincerely,

Elmer B. Staats

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EXECUTIVE SECRETARIAT (O/DCI) *Ch*

Routing Slip

TO:		ACTION	INFO	DATE	INITIAL
1	DCI		✓		
2	DDCI		✓		
3	DD/RM				
4	DD/NFA				
5	DD/CT				
6	DD/A				
7	DD/O				
8	DD/S&T				
9	GC				
10	LC	✓			
11	IG				
12	Compt				
13	D/PA				
14	D/EEO				
15	D/Pers				
16	AO/DCI				
17	C/IPS				
18					
19					
20					
21					
22					

SUSPENSE DATE: 14 NOV

Remarks:

To 10 - Please develop DCI response.

D/Executive Secretary

7 NOV 78

Date

SENDER WILL CHECK CLASSIFICATION TOP AND BOTTOM

UNCLASSIFIED	CONFIDENTIAL	<input checked="" type="checkbox"/> SECRET
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### OFFICIAL ROUTING SLIP

TO	NAME AND ADDRESS	DATE	INITIALS
1	Fred Hitz		
2			
3			
4	Return to C&E Staff		
5	for Records:		
6			

ACTION	DIRECT REPLY	PREPARE REPLY
APPROVAL	DISPATCH	RECOMMENDATION
COMMENT	FILE	RETURN
CONCURRENCE	INFORMATION	SIGNATURE

Remarks: Fred

FYI a copy of DCI's note on  
"GAO Access" from SECDEF meeting  
plus the material   
gave me on the subject.

FOLD HERE TO RETURN TO SENDER

FROM: NAME ADDRESS AND PHONE NO.	DATE
<span style="border: 1px solid black; display: inline-block; width: 300px; height: 30px;"></span>	24 Oct

Washington, D. C. 20505

Honorable Elmer B. Staats  
Comptroller General of the  
United States  
General Accounting Office  
Washington, D.C. 20548

Dear Elmer:

I have some additional points that relate to our recent discussions about compartmented clearances. We are now in the process of implementing new Guidelines and Procedures for the issuance of compartmented clearances to the Legislative Branch generally, and I have enclosed a copy for you.

I think we can work out a mutually agreeable arrangement within the context of Section C, which covers your organization and the Library of Congress. With regard to your analyses of weapons systems for example, the letter from the appropriate committee chairman to the Secretary of Defense would be forwarded to my Legislative Counsel along with the Secretary's endorsement. This centralized management control mechanism has been established with regard to all compartmented clearances for the Legislative Branch in order to assure strict, uniform application of need-to-know and personnel security criteria.

I appreciate your willingness to be flexible regarding the nature, duration, and number of requested clearances. My Office of Legislative Counsel will be contacting your appropriate staff officers to work out necessary arrangements.

Yours,

STANSFIELD TURNER

Enclosure

GUIDELINES AND PROCEDURES FOR THE ISSUANCE  
OF COMPARTMENTED CLEARANCES TO  
THE LEGISLATIVE BRANCH

At the direction of the Director of Central Intelligence, to centralize the issuance of compartmented access approvals to the Legislative Branch, including staff employees of Congress, and employees of the General Accounting Office and the Library of Congress, thereby assuring the uniform and strict application of need-to-know and personnel security criteria, and to provide for an accurate, up to date, centralized record of holders of such approvals, the following guidelines and procedures are established effective immediately.

A. The DCI's Legislative Counsel shall serve as the Intelligence Community focal point for assuring the proper exercise of need-to-know pertaining to access by employees of the Legislative Branch to intelligence maintained and controlled within the SI, TK or BYE systems of compartmentation. The DCI's Legislative Counsel, acting on behalf of the DCI, shall oversee the processing of all such requests and shall validate the need-to-know. The DCI's Director of Security shall review such requests to assure proper uniform application of security criteria for access under the provisions of DCID 1/14.

B. All requests received by departments and agencies to grant employees of the Legislative Branch access to intelligence controlled within the SI, TK or BYE systems of compartmentation will be submitted by the recipient with its decision, to the DCI's Legislative Counsel for review and concurrence. Requests must clearly describe the nominee's need-to-know. Issues arising in regard to particular requests will be referred to the Director of Central Intelligence for resolution.

C. All requests for approvals of access to intelligence controlled within any system of compartmentation for any employees of the General Accounting Office or the Library of Congress will be submitted to the DCI's Legislative Counsel and will be personally approved by the DCI. Such requests must be at the direction of a Congressional committee and by letter from the committee chairman to the department or agency involved, fully stating the Congressional requirement.

D. Access to compartmented information will be approved only for permanent staff persons of Congressional committees designated by committee or subcommittee chairmen, and to selected Members of the Leadership staffs as designated by the President and President Pro-Tempore of the Senate, the Speaker of the House of Representatives and the Majority and Minority Leaders of both Houses respectively. Personal staff of Members of Congress shall not be granted compartmented clearances.

E. The following criteria will be used to establish need-to-know:

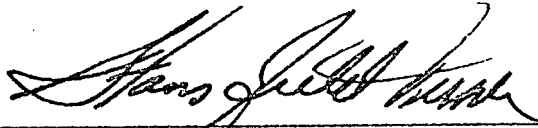
1. Direct involvement in authorization legislation pertaining to Intelligence Community agencies;
2. Direct involvement in appropriations legislation for Intelligence Community agencies;
3. Direct involvement in reviews authorized by law of activities of Intelligence Community agencies;
4. Direct involvement in oversight responsibilities carried out by the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence;
5. Direct involvement in other legislative matters which of necessity require direct access to compartmented intelligence.

In most cases, the need for substantive intelligence can be fulfilled without disclosing the source or method of acquisition. Therefore, every effort will be made to satisfy Congressional requirements for information by providing noncompartmented or sanitized material which does not reveal the manner of collection or acquisition. Direct access to compartmented information will not be approved unless sanitization or the provision of noncompartmented information is shown to be inadequate to meet the Congressional requirement.

F. Access approvals will be valid only so long as they are necessary, and approvals granted for particular requirements will be terminated when those requirements have been met. All approvals will be included in the central data base maintained by the Special Security Center under the direction of the DCI's Director of Security.

G. All persons, excluding Members of Congress, granted access to compartmented intelligence information shall have been the subject of a prior investigation meeting the criteria set forth in DCID 1/14. Security investigations of Congressional staff persons may be conducted under agreed upon arrangements with chairmen of committees or subcommittees, as appropriate. Investigations generally will be conducted by the Department of Defense, the FBI, or the Civil Service Commission, depending upon the particular arrangements made. The agency or department sponsoring the clearance will assume responsibility for assuring the conduct of an appropriate investigation. Security determinations made by sponsoring agencies or departments will be reviewed by the DCI's Director of Security to assure the proper uniform application of security criteria under DCID 1/14.

H. No materials controlled within a system of compartmentation will be provided to any Legislative Branch requester for retention without the approval of the DCI's Legislative Counsel and unless maintained in storage facilities which meet prescribed physical security requirements and are so certified by the Special Security Center.



Director of Central Intelligence

21 July 1978

Date

STAT

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Approved For Release 2004/10/12 : CIA-RDP81M00980R001500040025-5

23 OCT 1978

MEMORANDUM FOR THE RECORD

SUBJECT: Conversation with Secretary of Defense,  
20 October 1978

1. The Secretary agreed that we have to do something for the GAO by way of codeword clearances. I told him we would try to do it on the basis that their clearances were for specific projects requested by the Congress and that generally speaking unless the same people were doing the same projects it would be one-time clearances.

a. Tell OLC that I think the draft letter they have given me is a little bit bureaucratic. We should say something to the effect that the Secretary of Defense and I have discussed this and are in full agreement that there is a need for the GAO, in looking into defense programs, to be able to have access to relevant codeword material which bears on the scope of the investigation. In view of the sensitivity of this material, we believe it should be provided on a case-by-case basis and that we would appreciate GAO limiting the number of investigators who need to know this to the absolute minimum. We would therefore suggest that a procedure be established whereby when requested by the Congress to investigate some particular program the GAO, upon finding out from the Department of Defense that the pursuit of that investigation would require a codeword clearance, forward their request to the Director of Central Intelligence and we will grant it for the period of that investigation.

b. I told Harold Brown we would draft our letter and send it to Dan Murphy to make sure it is all right with DoD before we send it to Staats.

## ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

Legislative Counsel

EXTENSION

NO.

DATE

ER 78-9922/4

3 OCT 1978

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

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DDCI

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OLC(for handcarry)

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Attached for your signature is a letter to Elmer Staats that will put your recent discussions with him on the issue of compartmented clearances into the context of the Guidelines and Procedures which you issued on 21 July. This approach is in harmony with your recent discussions with the Secretary of Defense on this issue.

Frederick P. Hitz

Executive Registry

78-9922/4

OLC: 78-2110/3  
3 OCT 1978

MEMORANDUM FOR: Director of Central Intelligence

FROM: Frederick P. Hitz  
Legislative Counsel

SUBJECT: Compartmented Clearances for the General  
Accounting Office

*not used*

1. (U/IUO) Action Requested: Your signature on the attached letter to Comptroller General Elmer B. Staats.

2. (U/IUO) Background: You have been discussing the subject of compartmented clearances for GAO staffers with the Comptroller General and with the Secretary of Defense. It would now seem appropriate to move these discussions into the context of the Guidelines and Procedures for the issuance of compartmented clearances to the Legislative Branch, which you signed on 21 July 1978. Section C of the Guidelines provides that:

"All requests for approvals of access to intelligence controlled within any system of compartmentation for any employees of the General Accounting Office or the Library of Congress will be submitted to the DCI's Legislative Counsel and will be personally approved by the DCI. Such requests must be at the direction of a Congressional committee and by letter from the committee chairman to the department or agency involved, fully stating the Congressional requirement."

3. (U/IUO) The letter to the Comptroller General encloses a copy of the Guidelines. Mr. Staats undoubtedly will be pleased that GAO staffers are among those eligible for compartmented clearances, but he may not find the requirement that such clearances be requested by the appropriate Congressional committee chairman totally to his liking.

4. (U/IUO) The procedures that would apply to GAO clearances should take care of Secretary of Defense Harold Brown's concerns. In your next discussion with the Secretary on this subject, you may want to point out that:

--The requirement that requests for GAO clearances come from committee chairmen ensures that there is actual Congressional interest in GAO inquiries.

INTERNAL USE ONLY

- Where GAO analyses of weapons systems are concerned, the request for clearances must be made to the Department of Defense. In order for the request to be processed, it must be forwarded to your Legislative Counsel with a DOD endorsement. (An example of this process at work in the analogous case of a House Appropriations Committee staffer has been provided for your information.)
- The Comptroller General has indicated a willingness to be circumspect with regard to the nature, duration, and number of requests for GAO compartmented clearances.

5. (U/IUO) Staff Position: I believe that the Guidelines issued on 21 July provide the basis for reaching a solution agreeable to us, Mr. Staats, and Secretary Brown.

6. (U/IUO) Recommendation: That you sign the attached letter to the Comptroller General, and that you discuss the matter along the lines indicated above during your next meeting with Secretary Brown.

[Redacted Signature Box]

Frederick P. Hitz

Attachments:  
As Stated

APPROVED: \_\_\_\_\_  
Director of Central Intelligence

DISAPPROVED: \_\_\_\_\_  
Director of Central Intelligence

DATE: \_\_\_\_\_

STAT

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OFFICIAL ROUTING SLIP			
TO	NAME AND ADDRESS	DATE	INITIALS
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ACTION		DIRECT REPLY	PREPARE REPLY
APPROVAL		DISPATCH	RECOMMENDATION
COMMENT		FILE	RETURN
CONCURRENCE		INFORMATION	SIGNATURE
<b>Remarks:</b>  <div style="font-size: 1.2em; margin-top: 20px;">1. For review &amp; possible comment</div>			
FOLD HERE TO RETURN TO SENDER			
FROM: NAME, ADDRESS AND PHONE NO.			DATE
			9/18/78
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FORM NO. 1-67

237

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OLC #78-2118/3

28 August 1978

C-50

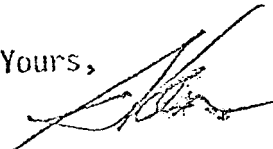
Dear Elmer,

Thanks for coming over for lunch. Both Frank and I enjoyed the opportunity to visit with you.

As promised, I will take up the issue of clearances for your people with Harold Brown. I had hoped to do that on Wednesday, but my meeting with him was too brief to permit that. Harold has now gone on vacation for ten days and I will be on a trip for about a week after he returns--this puts us into mid-September. I just wanted to let you know that I'm not intentionally dragging my feet. I'll get to it as soon as Harold and I can get together again.

All the best.

Yours,



STANSFIELD TURNER

The Honorable Elmer B. Staats  
Comptroller General of the United States  
General Accounting Office  
441 G Street, N. W.  
Washington, D. C. 20548

OLC #18-2110/1

28 August 1978

MEMORANDUM FOR: Legislative Counsel  
FROM : Special Assistant to the DDCI  
SUBJECT : GAO Compartmented Clearances

1. The Director and Deputy Director met with Mr. Elmer Staats to discuss GAO access to compartmented information. The talking points presented by Mr. Staats are attached.

2. In addition to these Discussion Notes, Mr. Staats made several statements regarding clearances. He would agree to:

- a) limited duration clearances;
- b) clearances for specific projects;
- c) clearance for the product, e.g. photography from specific systems;

d)

e)

3. Mr. Carlucci would like you to review the Discussion Notes and other issues to determine if a modification of our present policy is possible.

cc: Deputy Director for Resource Management  
Inspector General  
Director of Security

August 16, 1978

Approved For Release 2004/10/12 : CIA-RDP81M00980R001500040025-5

## GAO ACCESS TO INTELLIGENCE INFORMATION

### DISCUSSION NOTES

1. Informally, the Department of Defense advised the General Accounting Office on March 14, 1978, that the Director of Central Intelligence, acting pursuant to Executive Order 12036, January 26, 1978, directed that intelligence information requiring special intelligence clearances could no longer be made available to the GAO. Hence, documents available in the past could not be seen by GAO representatives, including documents used widely in the Department of Defense.
2. GAO has clear legal authority and responsibility to audit and evaluate DOD programs, some of which are justified or administered on the basis of information contained in the classified documents in question. GAO does not seek access to this information for the purpose of evaluating its accuracy or quality. It is needed for the purpose of evaluating DOD programs sometimes initiated and carried out as a result of intelligence information.
3. The effect of the action of the Director of Central Intelligence, if sustained, is to make it difficult if not impossible for the GAO to carry out responsibilities assigned to it under the Budget and Accounting Act of 1921 and subsequent statutes, including the Congressional Budget and Impoundment Act of 1974. These statutes give GAO access to records of the executive branch except records of unvouchered expenditures certified as necessary by the head of the agency.
4. For approximately 10 years GAO has prepared in-depth analyses of weapons systems, as agreed upon between the GAO and the House and Senate Armed Services Committees and the House and Senate Appropriations Committees. These reports, usually classified, are used by the committees extensively in considering the authorization and funding requests of the DOD. Intelligence information which is involved is usually an integral part of the files reviewed and relevant to discussions held between GAO representatives and representatives of the DOD. Without this information, reports can be incomplete, erroneous, and possibly misleading to the committees of Congress utilizing such reports. The current list of such projects, expected to lead to reports to Congress in early 1979, are the following:

LLEGIB

F-16 Aircraft Program

Continental Ballistic Missile Programs (CXX)

on Strike System

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--we are not permitted to review the specific studies and evaluations which were conducted to establish the quantity and quality needs of systems proposed for development,

--we cannot question the program manager or DOD claims that the best available information is being used to formulate the design of the system in development,

--we cannot review the evidence being used to support any arguments about the probable effectiveness of the system against future threats,

--we cannot determine if the intelligence community is being responsive to the needs of the R&D community.

6. GAO will require at any given time only a very limited number of individuals requiring access to special intelligence clearances and believes, therefore, that the concern of the Director of Central Intelligence with respect to possible leakage of this information is not warranted. Only seven individuals concerned with the review of weapons systems in the past 4 years have had access to such information. In two of these cases, the clearances were limited to a briefing to verify data omitted from a previous DOD briefing.

There have been other limited occasions in the past where special clearances have been required and there may be similar needs in the future.

7. GAO has strictly adhered to DOD security arrangements in the past and will continue to do so in the future. GAO is agreeable to discussion of any further arrangements with the Department of Defense and the DCI for safeguarding sensitive intelligence information.

MAJORITY MEMBERS  
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JOHN L. WHELAN, MISS.  
GEORGE L. BAKER, FLA.  
EDWARD R. BARNETT, MASS.  
WILLIAM H. BARTCHER, KY.  
CHARLES J. BLOOM, PA.  
DON STEED, OKLA.  
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BILL ALEXANDER, ARK.  
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JOHN TRAXLER, MICH.  
BERT DUNCAN, OREG.  
BEN D. EARLY, MASS.  
J. RAUCUS, MONT.  
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IAN D. DICKS, WASH.  
JIMMY F. MCHUGH, N.Y.

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Congress of the United States  
House of Representatives  
Committee on Appropriations  
Washington, D.C. 20515

September 6, 1978

MINORITY MEMBERS  
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ROBERT H. MICHAEL, ILL.  
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CLERK AND STAFF DIRECTOR  
KEITH F. MAINLAND

TELEPHONE:  
CAPITOL 5-3121  
EXT. 32171  
OR  
225-2771

Honorable Jack L. Stempler  
Assistant to the Secretary  
(Legislative Affairs)  
Washington, D.C. 20301

Dear Mr. Secretary:

It is requested that Mr. Robert V. Davis, a member of the staff of the House Appropriations Defense Subcommittee, be granted the necessary special security clearances to enable him to handle his assigned responsibilities.

Mr. Davis has primary responsibility for advising the Appropriations Committee on military manpower and training issues. As a result, it is necessary that he have access to detailed military deployment information for not only United States forces, but also for our allies and potential adversaries. His responsibility includes review of Department of Defense manpower appropriation requests in conjunction with, for example, the nature and magnitude of any threat to NATO from Warsaw Pact nations and our manpower planning and capability for countering that threat; mobilization planning for the various wartime scenarios; contingency plans involving the third world; potential threats to United States and Allied forces in Korea and elsewhere in the Pacific; and the long-range manpower and training implications associated with weaponry development in the United States, allied nations, and potential adversaries.

Sincerely,

*George Mahon*  
Chairman



OFFICE OF THE SECRETARY OF DEFENSE

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OLC #78-5783

13 SEP 1978

MEMORANDUM FOR MR. FREDERICK P. HITZ, LEGISLATIVE COUNSEL  
CENTRAL INTELLIGENCE AGENCY

SUBJECT: Request for Special Security Clearance  
(Mr. Robert V. Davis)

The attached request for special security clearance is forwarded for your action. After review, this office recommends approval of Chairman Mahon's request. Mr. Davis has primary responsibility for advising the Committee on Appropriations, Subcommittee on Defense, on military manpower and training issues. He will require access to detailed military deployment information as outlined in the Chairman's letter, to enable him to handle this assigned responsibility.

*William W. Maurer*

William W. Maurer  
Brigadier General, USA  
Deputy Assistant to the Secretary of Defense  
(Legislative Affairs)

THE DIRECTOR OF CENTRAL INTELLIGENCE

WASHINGTON, D.C. 20505

RB  
OLC - 78 - 5783/1A  
5783/1A

Legislative Counsel

20 SEP 1978

Brigadier General William W. Maurer  
Deputy Assistant to the Secretary  
of Defense  
Washington, D.C. 20301

Dear General Maurer:

Your 13 September request to process special compartmented security clearances for Robert V. Davis, Staff of the House Committee on Appropriations is approved. A valid need for access has been demonstrated.

It is our understanding that your office will initiate security processing with the appropriate office in the Department of Defense. When a favorable adjudication is made in accordance with paragraph G of the Director's guidelines on compartmented clearances, Mr. Davis will be eligible to receive special compartmented security clearance as required.

Sincerely,

151

Frederick Hitz

Attachment

Distribution:

Org - Addressee

1 - OS/I&CB

1 - OLC Subject

1 - OLC Chrono

OLC;RJK:sks(18 September 78)

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